

4-01-05

RCE *TRW*

**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Address to:
Mail Stop RCE
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Application Number 10/670,045
Filing Date September 24, 2003
First Named Inventor Jerry T. Paulson
Group Art Unit 3679
Examiner Name Aaron M. Dunwoody
Attorney Docket 165.001US01

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

1. **Submission required under 37 C.F.R. §1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
 - a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
 - i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on .
 - ii. ☒ Other: Response to Final Office Action Under 37 C.F.R. §1.116 Filed on Jan. 26, 2005.
 - b. ☒ Enclosed
 - i. ☐ Amendment/Reply to Advisory Action (6 pgs.)
 - ii. ☐ Affidavit(s)/Declaration(s)
 - iii. ☐ Information Disclosure Statement (IDS) (0 pgs.); PTO Form 1449 (0 pgs.); 0 Cited References
 - iv. ☒ Other: Copy of Response to Final Office Action Under 37 C.F.R. §1.116 and copy of date stamped return postcard.
2. **Miscellaneous**
 - a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. §1.103(c) for a period of 0 months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. §1.17(i) required)
 - b. ☒ Other: a return postcard
3. **Fees** The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. §1.114 when the RCE is filed.
 - a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 501373 for any additional fees not covered by the check(s) enclosed herewith
 - b. ☒ A check in the amount of \$395.00 is enclosed for RCE fee
 - c. ☐ Payment by credit card (Form PTO-2038 enclosed).

Warning: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME: Daniel J. Polglaze

REGISTRATION NO. 39,801

SIGNATURE

DATE 31 March 2005

THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE United States Postal Service with sufficient postage as Express Mail EV670061952US addressed to: Mail Stop: RCE, Commissioner For Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on: March 31, 2005.

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Receipt of the below-listed documents is hereby acknowledged in the U.S. Patent and Trademark Office:

First Named Inventor: Jerry T. Paulson
Serial No.: 10/670,045
Filing Date: September 24, 2003
Title: TANK FITTING AND METHOD OF USE

SMALL ENTITY

the U.S. Patent and

Enclosed: Response to Final Office Action Under 37 C.F.R. 1.116 (11 pgs.); and a Transmittal Document.

SMALL ENTITY

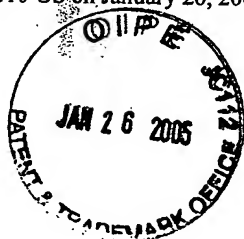
Mailed: via Express Mail No. EV 256357010 US on January 26, 2005

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pgs.); and a Transmittal

Docket # 165.001US01

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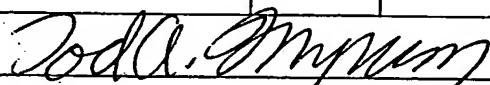
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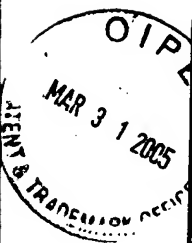
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First Named Inventor	Jerry T. Paulson	TRANSMITTAL FORM UNDER 37 CFR 1.10 (SMALL ENTITY)
Serial No.	10/670,045	
Filing Date	September 24, 2003	
Group Art Unit	3679	
Examiner Name	Aaron M. Dunwoody	
Confirmation Number	5025	
Attorney Docket No.	165.001US01	
Title: TANK FITTING AND METHOD OF USE		

Mail Stop: AF
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Alexandria, VA 22313-1450

Enclosures			
The following documents are enclosed:			
<input checked="" type="checkbox"/>	Response to Final Office Action Under 37 C.F.R. 1.116 (11 pgs.);		
<input checked="" type="checkbox"/>	a return postcard.		
Please charge any additional fees or credit any overpayments to Deposit Account No. 501373.			
<u>CUSTOMER NUMBER 27073</u>			
Leffert Jay & Polglaze, P.A. P. O. Box 581009 Minneapolis, MN 55458-1009			
Submitted By			
Name	Tod A. Myrum	Reg. No.	42,922
		Telephone	(612) 312-2208
Signature			Date
			January 26, 2005
Certificate of Mailing			
"Express Mail" mailing label number: EV 256357010 US Date of Deposit: January 26, 2005. These papers and fees are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and addressed to Mail Stop: AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.			
(SMALL ENTITY TRANSMITTAL UNDER 37 C.F.R. 1.10)			



First Named Inventor	Berry T. Paulson	REPLY UNDER 37 C.F.R. §1.116 – EXPEDITED PROCEDURE – TECHNOLOGY CENTER 3600
Serial No.	10/670,045	
Filing Date	September 24, 2003	
Group Art Unit	3679	
Examiner Name	Aaron M. Dunwoody	
Confirmation No.	5025	
Attorney Docket No.	165.001US01	
Title: TANK FITTING AND METHOD OF USE		

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In response to the Final Office Action mailed November 29, 2004, please consider the following amendments and remarks:

IN THE CLAIMS

1. (Currently amended) A tank fitting comprising:
 - a coupling comprising:
 - a flange disposed between a first end and a second end of the coupling;
 - external threads disposed between the flange and the first end; and
 - a male-end region adjacent the second end adapted to be received within a fitting or a pipe for bonding thereto;
 - a gasket disposed on the coupling between the flange and the first end of the coupling so as to abut the flange; and
 - a nut threadably attachable to the external threads of the coupling.
2. (Original) The tank fitting of claim 1, wherein the gasket has a hole and wherein the flange has a stud, the stud passing completely through the hole of the gasket.
3. (Previously presented) The tank fitting of claim 1, wherein the coupling is a male/female coupling or a male/male coupling.
4. (Original) The tank fitting of claim 1, wherein the coupling further comprises a female-end region adjacent the first end.
5. (Original) The tank fitting of claim 4, wherein the female-end region comprises first and second sockets respectively having different internal diameters.
6. (Original) The tank fitting of claim 1, wherein the coupling further comprises a stepped internal bore having first, second, and third diameters.

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7. (Previously presented) The tank fitting of claim 6, wherein the first and second diameters respectively define first and second sockets of a female-end region adjacent the first end and the third diameter is an internal diameter of the male-end region adjacent the second end.
8. (Original) The tank fitting of claim 1, wherein the nut further comprises an annular groove.
9. (Original) The tank fitting of claim 1, and further comprising an alignment rib disposed on the coupling between the flange and the second end.
10. (Currently amended) A tank fitting comprising:
- a longitudinal stepped internal bore passing through first and second ends of the tank fitting, the internal bore having first and second diameters respectively defining first and second sockets of a female-end region of the tank fitting adjacent the first end, the internal bore further having a third diameter that forms an internal diameter of a male-end region of the tank fitting adjacent the second end, the male-end region adapted to be received within a fitting or a pipe for bonding thereto;
 - a flange disposed between the first and second ends;
 - external threads disposed between the flange and the first end;
 - a gasket disposed between the flange and the first end so as to abut the flange;
 - a stud protruding from a face of the flange toward the first end and passing completely through the gasket; and
 - a nut threadably attachable to the external threads.
11. (Original) The tank fitting of claim 10, wherein the nut further comprises an annular groove that aligns with the stud when the nut is threadably attached to the external threads.

12. (Original) The tank fitting of claim 10, and further comprising an alignment rib disposed on an exterior of tank fitting between the flange and the second end.
13. (Original) The tank fitting of claim 12, wherein the alignment rib is located 180 degrees around the tank fitting from the stud.
14. (Original) A method of attaching a tank fitting to a tank, the method comprising:
- passing a substantially rigid coupling through a first hole in the tank so that the coupling extends from an interior to an exterior of the tank, wherein external threads of the coupling are located exteriorly of the tank;
 - disposing a gasket of the tank fitting between a flange of the coupling and an interior surface of the tank, wherein the flange is located within the tank; and
 - threading a nut of the tank fitting on the external threads so that the nut engages an exterior surface of the tank so as to squeeze the gasket between the flange and the interior surface of the tank so that the gasket forms a liquid-tight seal around the first hole in the tank between the tank and the flange.
15. (Original) The method of claim 14, wherein passing the coupling through the first hole in the tank comprises passing a male/female coupling, a male/male coupling, or a female/female coupling through the first hole.
16. (Original) The method of claim 14, wherein passing the coupling through the first hole in the tank comprises passing a stud protruding from the flange through a second hole in the tank that is substantially parallel to the first hole in the tank.
17. (Original) The method of claim 16, wherein disposing the gasket of the tank fitting between the flange of the coupling and the interior surface of the tank comprises passing the stud completely through the gasket before passing the stud through the second hole in the tank.

18. (Original) The method of claim 17, wherein threading the nut of the tank fitting on the external threads forms a liquid-tight seal around the second hole in the tank between the tank and the flange.
19. (Original) The method of claim 16, wherein threading the nut of the tank fitting on the external threads comprises receiving the stud in an annular groove of the flange after the stud passes through the second hole in the tank.
20. (Original) A method of connecting a pipe fitting disposed within a tank to a pipe located externally of the tank, the method comprising:
- attaching a substantially rigid coupling of a tank fitting to the tank so that the coupling is substantially immovable relative to the tank, wherein attaching the coupling to the tank comprises:
 - passing the coupling through a first hole in the tank so that the coupling extends from an interior to an exterior of the tank, wherein external threads of the coupling are located exteriorly of the tank;
 - disposing a gasket of the tank fitting between a flange of the coupling and an interior surface of the tank, wherein the flange is located within the tank;
 - and
 - threading a nut of the tank fitting on the external threads so that the nut engages an exterior surface of the tank so as to squeeze the gasket between the flange and the interior surface of the tank so that the gasket forms a liquid-tight seal around the first hole in the tank between the tank and the flange;
 - and
 - connecting the pipe adjacent a first end of the coupling that is located exteriorly of the tank; and
 - connecting the pipe fitting to a second end region of the coupling that is located within the tank.

21. (Original) The method of claim 20, wherein connecting the pipe adjacent a first end of the coupling comprises connecting the pipe to a male- or a female-end region of the coupling adjacent the first end.
22. (Original) The method of claim 20, wherein connecting the pipe fitting to a second end region of the coupling comprises connecting the pipe fitting to a male- or a female-end region of the coupling.
23. (Original) The method of claim 20, wherein connecting the pipe adjacent a first end of the coupling comprises inserting the pipe through the first end of the tank fitting into a socket of the coupling.
24. (Original) The method of claim 20, wherein connecting the pipe fitting to the second end region of the coupling comprises aligning an alignment rib of the coupling with an alignment rib of the pipe fitting.
25. (Original) The method of claim 24, wherein aligning the alignment rib of the coupling with an alignment rib of the pipe fitting comprises aligning an alignment rib of a sanitary-tee fitting with the alignment rib of the coupling so that a branch of the sanitary-tee fitting that is perpendicular to the coupling is substantially vertical.
26. (Original) The method of claim 20, wherein the tank and the pipe fitting are respectively a septic tank and a sanitary-tee fitting.
27. (Original) The method of claim 20, wherein connecting the pipe adjacent a first end of the coupling comprises inserting the pipe through the first end of the tank fitting and seating the pipe in a first socket of the coupling when the pipe has a first outer diameter or

seating the pipe in a second socket of the coupling when the pipe has a second outer diameter.

REMARKS

Claims 1 and 10 are currently amended. Applicant respectfully submits that the amendments herein are fully supported by the Specification as originally filed and do not introduce new matter.

Claim Rejections Under 35 U.S.C. § 102

Claims 1 and 3-9, were rejected under 35 U.S.C. § 102(b) as being anticipated by Hawkins (U.S. Patent No. 5,971,444). Applicant respectfully traverses.

Claim 1, as currently amended, includes a coupling having a male-end region adjacent a second end adapted to be received within a fitting or a pipe for bonding thereto. The Examiner has identified a nipple 22 extending from a first side of an annular flange 20 of Hawkins as a male-end region adjacent a second end adapted to be received within a fitting or a pipe. The nipple 22 has inside diameter that is preferably sized for receipt of a section 38 (see Figures 1-3 and column 3, lines 19-22). Moreover, there is no indication in Hawkins of any intent of receiving nipple 22 in a fitting or a pipe. Applicant contends that the ribs on an exterior of nipple 22 and extending nearly an end of nipple 22 preclude nipple 22 from being sufficiently received within a fitting or a pipe for bonding thereto. Applicant further contends that the end of nipple 22 would have to extend beyond the ribs by at least as much as section 38 extends into nipple 22 to facilitate bonding, as is intended by claim 1. Therefore, Hawkins does not include each and every recitation of claim 1, so claim 1 should be allowed.

Claims 3-9 depend from claim 1 and are thus allowable for at least the same reason as claim 1. Therefore, claims 3-9 should be allowed.

Claim Rejections Under 35 U.S.C. § 103

Claims 2 and 10-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hawkins in view of Jones (U.S. Patent No. 2,554,622). Applicant respectfully traverses.

Claim 1, as currently amended, is patentably distinct from Hawkins. Moreover, Hawkins in combination with Jones fails to overcome the deficiencies of Hawkins with respect to claim 1. That is, Hawkins in combination with Jones does not include or suggest a coupling having a male-end region adjacent a second end adapted to be received within a fitting or a pipe for bonding thereto, as claim 1. Therefore, claim 1 is allowable over Hawkins in view of Jones.

Claim 2 depends from claim 1 and is thus allowable for at least the same reason as claim 1. Therefore, claim 2 is allowable over Hawkins in view of Jones.

Claim 10, as currently amended, includes a male-end region adjacent a second end adapted to be received within a fitting or a pipe for bonding thereto. The Examiner has identified a nipple 22 extending from a first side of an annular flange 20 of Hawkins as a male-end region adjacent a second end adapted to be received within a fitting or a pipe. The nipple 22 has inside diameter that is preferably sized for receipt of a section 38 (see Figures 1-3 and column 3, lines 19-22). Moreover, there is no indication in Hawkins of any intent of receiving nipple 22 in a fitting or a pipe. Applicant contends that the ribs on an exterior of nipple 22 and extending nearly an end of nipple 22 preclude nipple 22 from being sufficiently received within a fitting or a pipe for bonding thereto. Applicant further contends that the end of nipple 22 would have to extend beyond the ribs by at least as much as section 38 extends into nipple 22 to facilitate bonding, as is intended by claim 10. Moreover, Hawkins in combination with Jones fails to overcome the deficiencies of Hawkins with respect to claim 10. Therefore, claim 10 is allowable over Hawkins in view of Jones.

Claims 11-13 depend from claim 10 and thus are allowable for at least the same reason claim 10. Therefore, claims 11-13 should be allowed.

Claims 14 and 20 each include threading a nut of a tank fitting on external threads of a coupling of the tank fitting so that the nut engages an exterior surface of a tank so as to squeeze a gasket between a flange of the coupling and the interior surface of the tank so that the gasket forms a liquid-tight seal around a hole in the tank between the tank and the flange.

Hawkins does not include threading a nut of a tank fitting on external threads of a coupling of the tank fitting so that the nut engages an exterior surface of a tank so as to squeeze a gasket between a flange of the coupling and the interior surface of the tank, as in each of claims 14 and 20. Rather Hawkins threads a female member (a nut) 14 on external threads 26 of a male member 12 so that female member engages a second seal 18 (not an exterior surface of a tank, as in each of claims 14 and 20) to slightly compress a first seal 16 between a flange 20 of male member 20 and an exterior of a wall 40 (see Figure 3 and column 3, lines 7-16). Further, the Examiner contends since Hawkins indicated that second seal 18 can be a nylon washer, O-ring, or another suitable sealing material, second seal 18 can be an adhesive that can be considered a part of the tank (wall 40). Applicant contends that an adhesive is separate from wall 40 and

would be added to wall 40, and therefore cannot be considered part of wall 40. Furthermore, the added adhesive and would prevent the female member 14 from engaging wall 40. Also, it is questionable as to whether an adhesive is a suitable seal as intended by Hawkins in that the examples of suitable seals (nylon washer, O-ring) given in Hawkins are fundamentally different from an adhesive because an adhesive would adhere female member 14 to wall 40, whereas Hawkins's exemplary seals would not.

Moreover, Hawkins in combination with Jones fails to overcome the deficiencies of Hawkins with respect to each of claims 14 and 20. That is, Hawkins in combination with Jones does not include or suggest threading a nut of a tank fitting on external threads of a coupling of the tank fitting so that the nut engages an exterior surface of a tank so as to squeeze a gasket between a flange of the coupling and the interior surface of the tank, as in each of claims 14 and 20. Therefore, claims 14 and 20 are allowable over Hawkins in view of Jones.

Claims 15-19 depend from claim 14 and thus are allowable for at least the same reason as claim 14. Claims 21-27 depend from claim 20 and thus are allowable for at least the same reason as claim 20. Therefore, claims 15-19 and claims 21-27 should be allowed.

Information Disclosure Statement

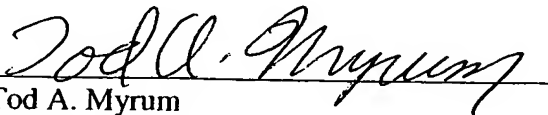
In the non-final Office Action mailed June 16, 2004, the Examiner indicated that the Norwesco, Inc. reference listed on the 1449 Form filed with the present application on September 24, 2003 was not considered because the Examiner was unable to see the details of the reference. Applicant submitted the original of the copy of the Norwesco, Inc. reference in the response (dated September 16, 2004) to the non-final Office Action mailed June 16, 2004. However, the Examiner has not acknowledged whether the original of the copy of the Norwesco, Inc. reference has been considered, nor has the Examiner sent Applicant an initialed copy of the 1449 Form filed with the present application on September 24, 2003. Applicant respectfully requests that the Examiner indicate whether the original of the copy of the Norwesco, Inc. reference has been considered and to send Applicant an initialed copy of the 1449 Form filed with the present application on September 24, 2003.

CONCLUSION

In view of the above remarks, Applicant respectfully submits that the claims are in condition for allowance and requests reconsideration of the application and allowance of claims. If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2208.

Respectfully submitted,

Date: 01-26-05


Tod A. Myrum
Reg. No. 42,922

Attorneys for Applicant
Leffert Jay & Polglaze
P.O. Box 581009
Minneapolis, MN 55458-1009
T 612 312-2200
F 612 312-2250